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39/6. The safety of journalists

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,

Recalling all General Assembly and Human Rights Council resolutions on the safety of journalists, in particular Assembly resolution 72/175 of 19 December 2017 and Council resolution 33/2 of 29 September 2016, as well as Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015, on the protection of civilians in armed conflict,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights on the safety of journalists,[1]

Recalling all other relevant reports of the Secretary-General, the Office of the High Commissioner and the special procedures of the Human Rights Council on the safety of journalists,

Recalling also the options put forward in the outcome of the multi-stakeholder consultation on strengthening the implementation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity,

Welcoming the decision of the Secretary-General to appoint a designated official on the safety of journalists in his Executive Office and to mobilize a network of focal points throughout the United Nations system to propose specific steps to intensify efforts to enhance the safety of journalists and media workers,

Welcoming also the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists, including its role in monitoring developments in this area, as reflected in its Global Report 2017/2018 entitled *World*

[1] A/HRC/39/23.

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Trends in Freedom of Expression and Media Development, and expressing concern at the increase in violence against and harassment of journalists described therein,

Welcoming further the initiatives taken by States, media organization and civil society relevant to the safety of journalists, and taking note in this regard of the Freelance Journalist Safety Principles and the International Declaration on the Protection of Journalists presented at the World Congress of the International Press Institute, held in March 2016 in Doha,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Recognizing the importance of freedom of expression and of free, independent, plural and diverse media, online as well as offline, in building and supporting the functioning of inclusive and peaceful knowledge societies and democracies, an informed citizenry, the rule of law and participation in public affairs, in holding public institutions and officials accountable, including by exposing corruption, and in fostering intercultural dialogue, peace and good governance, as well as mutual understanding and cooperation,

Underlining the importance of voluntary professional principles and ethics developed and observed by the media,

Recognizing the crucial role of journalists and media workers in the context of elections, including to inform the public about candidates, their platforms and ongoing debates, and expressing serious concern that attacks against journalists and media workers increase during election periods,

Recognizing also the importance of public trust in and the credibility of journalism, in particular the challenges of maintaining media professionalism in an environment where new forms of media are constantly evolving and where targeted disinformation and smear campaigns to discredit the work of journalists are increasing,

Recognizing further that the work of journalists often puts them at specific risk of intimidation, threats, harassment and violence, including the targeting of their family members, which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats, including of a physical, legal, political, technological and economic nature, and acts of other forms of violence,

Deeply alarmed at the specific risks faced by women journalists in relation to their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists, including in the online sphere, in particular to effectively tackle gender-based discrimination, including sexual and gender-based violence, threats, intimidation, harassment, inequality and gender-based stereotypes, and to enable women to enter and remain in journalism on terms of equality and non-discrimination while ensuring their greatest possible safety, and to ensure that the experiences and concerns of women journalists are effectively addressed,

Alarmed at instances in which political leaders, public officials and/or authorities denigrate, intimidate or threaten the media, including individual journalists, which increases the risk of threats and violence against journalists and undermines public trust in the credibility of journalism,

Expressing serious concern at attacks and violence against journalists and media workers in situations of armed conflict, and recalling in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

Expressing deep concern at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

Recognizing that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

Recognizing also the important role that national human rights institutions can play in promoting and protecting human rights, including the right to freedom of expression, and in addressing human rights violations against journalists through monitoring, educating and awareness-raising activities, as well as through the examination of complaints, and recognizing further the contribution that national mechanisms for reporting and follow-up can play in the prevention of human rights violations against journalists,

Emphasizing the role of international cooperation in support of national efforts to prevent attacks and violence against journalists and in raising the capacities of States in the field of human rights, including in preventing attacks and violence against journalists, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned,

Emphasizing also the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or interception of communications, hacking, including government-sponsored hacking, and denial of service attacks to force the shutdown of particular media websites or services, in violation of their rights to privacy and to freedom of expression,

Bearing in mind that impunity for attacks and violence against journalists constitutes one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

Stressing the need for greater emphasis on prevention measures and the creation of enabling legal frameworks for freedom of expression to ensure a safe and enabling environment for journalists and media workers,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, killings, enforced disappearances, arbitrary arrest and arbitrary detention, expulsion, intimidation, threats and harassment, online and offline, including through attacks on or the forced closure of their offices and media outlets in both conflict and non-conflict situations;

2. *Also condemns unequivocally* the specific attacks on women journalists and media workers in relation to their work, such as gender-based discrimination, including sexual and gender-based violence, threats, intimidation and harassment, online and offline;

3. *Strongly condemns* the prevailing impunity for attacks and violence against journalists and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes, and calls upon States to develop and implement strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified during the panel discussion held by the Human Rights Council on 11 June 2014 and/or compiled in the report of the Office of the United Nations High Commissioner for Human Rights thereon,[2] inter alia (a) the creation of special investigative units or independent commissions, (b) the appointment of a specialized prosecutor, and (c) the adoption of specific protocols and methods of investigation and prosecution;

4. *Urges* States to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring

[2] A/HRC/27/35.

perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate remedies;

5. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested or arbitrarily detained, taken hostage or who have become victims of enforced disappearance;

6. *Condemns unequivocally* measures in violation of international human rights law aiming to or that intentionally prevent or disrupt access to or dissemination of information online and offline, which undermine the work of journalists in informing the public, including measures to unlawfully or arbitrarily block or take down media websites, such as denial of service attacks, and calls upon all States to cease and refrain from these measures, which cause irreparable harm to efforts at building inclusive and peaceful knowledge societies and democracies;

7. *Expresses concern* about the spread of disinformation and propaganda, including on the Internet, which can be designed and implemented so as to mislead, to violate human rights, including the right to privacy and to freedom of expression, and to incite violence, hatred, discrimination or hostility, and emphasizes the important contribution by journalists in countering this trend;

8. *Urges* political leaders, public officials and/or authorities to refrain from denigrating, intimidating or threatening the media, including individual journalists, and thereby undermining trust in the credibility of journalists as well as respect for the importance of independent journalism;

9. *Urges* States to do their utmost to prevent violence, intimidation, threats and attacks against journalists and media workers, including by:

(a) Increasing and accelerating efforts to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference;

(b) Giving full support to and raising public awareness of the importance of an independent, plural and diverse media, online as well as offline;

(c) Publicly, unequivocally and systematically condemning violence, intimidation, threats and attacks against journalists and media workers;

(d) Establishing or enhancing information-gathering and monitoring mechanisms, such as databases, to permit the collecting, analysis and reporting of concrete quantitative and qualitative disaggregated data on threats, attacks or violence against journalists;

(e) Establishing an early warning and rapid response mechanism to give journalists and media workers, when threatened, immediate access to authorities competent and adequately resourced to provide effective protective measures;

(f) Supporting capacity-building, training and awareness-raising in the judiciary and among law enforcement officers and military and security personnel, as well as among media organizations, journalists and civil society, regarding States' international human rights and international humanitarian law obligations and commitments relating to the safety of journalists;

(g) Putting in place safe gender-sensitive preventive measures and investigative procedures in order to encourage women journalists to report offline and online attacks against them, and providing adequate support, including psychosocial support, to victims and survivors;

(h) Ensuring better internal coordination and sharing of information, in particular within and between relevant ministries, law enforcement and the judiciary at the local and national levels;

(i) Signing and ratifying the international and regional human rights instruments relevant to the safety of journalists;

(j) Implementing more effectively the applicable legal framework for the protection of journalists and media workers, relevant resolutions adopted by United Nations bodies and regional intergovernmental organizations, as well as the recommendations made by the treaty bodies, the special procedures and in the context of the universal periodic review relating to the safety of journalists;

(k) Integrating the safety of journalists and media freedom into national development frameworks under the 2030 Agenda for Sustainable Development;

10. *Also urges* States to bring their laws, policies and practices fully into compliance with their obligations and commitments under international human rights law, and to review and where necessary repeal or amend them so that they do not limit the ability of journalists and media workers to perform their work independently and without undue interference;

11. *Calls upon* States to ensure that measures to combat terrorism and preserve national security or public order are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention, or the threat thereof;

12. *Also calls upon* States to ensure that defamation and libel laws are not misused, in particular through excessive criminal sanctions, to illegitimately or arbitrarily censor journalists and interfere with their mission of informing the public, and where necessary to revise and repeal such laws, in compliance with States' obligations under international human rights law;

13. *Further calls upon* States to protect in law and in practice the confidentiality of journalists' sources, including whistle-blowers, in acknowledgement of the essential role of journalists and those who provide them with information in fostering government accountability and an inclusive and peaceful society, subject only to limited and clearly defined exceptions provided for in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

14. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists to exercise freely their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and in this regard calls upon States to comply with their obligations under international human rights law and not to interfere with the use of such technologies, and to refrain from employing unlawful or arbitrary surveillance techniques, including through hacking;

15. *Calls upon* States to tackle gender-based discrimination, including sexual and gender-based violence, threats, intimidation, harassment and incitement to hatred against women journalists, online and offline, as part of broader efforts to promote and protect the human rights of women, eliminate gender inequality and tackle gender-based stereotypes in society;

16. *Encourages* States and all other relevant stakeholders to take the opportunity of the proclamation of 2 November as the International Day to End Impunity for Crimes against Journalists to raise awareness regarding the issue of the safety of journalists and to launch concrete initiatives in this regard;

17. *Emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, in particular for journalists on dangerous assignments, together with protective equipment and insurances, where necessary;

18. *Recognizes* the important contribution of the promotion and protection of the safety of journalists in the realization of target 16.10 of the Sustainable Development Goals, and calls upon States to strengthen national data collection, analysis and reporting on the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, torture and other harmful acts against journalists and associated media personnel, in accordance with Sustainable Development Goal indicator 16.10.1, and to do their utmost to

make these data available to the relevant entities, in particular the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization;

19. *Stresses* the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, and encourages national, subregional, regional and international human rights mechanisms and bodies, including the relevant special procedures of the Human Rights Council, treaty bodies and national human rights institutions, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

20. *Invites* United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms;

21. *Invites* States to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

22. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review;

23. *Decides* to continue its consideration of the safety of journalists in accordance with its programme of work.

39th meeting
27 September 2018

[Adopted without a vote.]